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Confirmation No.

Art Unit: 1648

Examiner: Foley, S.

Atty. Docket: 1294.0010001/RWE/LBB

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Sir:

At a minimum, the claims of Groups II and III should be examined together because of what appears to be an arbitrary claim grouping. Both groups of claims are considered by the Examiner to be drawn to adenovirus particles, except one is a "fiber-altered" particle while the other is a "fiber-less" particle. Clearly, the search of art relevant to "fiber-altered"

would also be relevant to "fiber-less" particles. Further, claim 75 (Group III) is even dependent on claim 24 (Group II) . Finally, the claims of both groups are classified in the same class, i.e. 435.

***SEARCH AND EXAMINATION OF THE ENTIRE APPLICATION
CAN BE MADE WITHOUT SERIOUS BURDEN AND THE ENTIRE
APPLICATION SHOULD THEREFORE BE EXAMINED ON THE MERITS***

MPEP 803 (Seventh Edition, Rev. I (February 2000)), at page 800-3, right hand column, states as one of the criteria for restriction that : "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, . . ."

In the present case, Applicants respectfully assert that the search of more than one restriction group does not impose a serious burden upon the Examiner, as a search concerning the patentability of the claims of any one group is likely to uncover art of interest to the remaining groups. More specifically, the search of art related to one type of adenovirus particle should presumably result in information useful to consideration of claims drawn to other types of adenovirus particles. Any additional search that would be needed would not be an undue burden on the Examiner. Further, such information would also be useful in determining the patentability of all the additional groups of claims.

Additionally, the Examiner notes that several groups of claims are related to each other as a product and process of use of that product. Necessarily, that information used to examine patentability of the product will be relevant to the patentability of the process of using or making that product. Accordingly, for all of the above reasons and in the interest of efficient advancement of prosecution, it is respectfully requested that the Examiner should

reconsider and withdraw the restriction requirement. Furthermore, allowance of all pending claims is respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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